



COUNTY OF LOS ANGELES
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October 19, 2016

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TO: LORI GLASGOW
Executive Officer
Board of Supervisors

Attention: Agenda Preparation *RAH*

FROM: ROGER H. GRANBO
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Bret Phillips v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 544 887

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Bret Phillips v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 544 887 in the amount of \$250,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges excessive force and federal civil rights violations by Sheriff's Deputies on an inmate at Men's Central Jail.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|-----------------------------|--|
| CASE NAME | Bret Phillips v. County of Los Angeles, et al. |
| CASE NUMBER | BC 544887 |
| COURT | Los Angeles Superior Court |
| DATE FILED | May 7, 2014 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$ 250,000 |
| ATTORNEY FOR PLAINTIFF | Gloria R. Allred, Esq. Allred, Maroko & Goldberg, LLP |
| COUNTY COUNSEL ATTORNEY | Jonathan McCaverty Principal Deputy County Counsel |
| NATURE OF CASE | <p>This is a recommendation to settle for \$250,000, inclusive of attorneys' fees and costs, a federal civil rights lawsuit filed by Bret Phillips arising out of a February 11, 2009, use-of-force incident at Men's Central Jail.</p> <p>Due to the risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$250,000 is recommended.</p> |
| PAID ATTORNEY FEES, TO DATE | \$ 104,728 |
| PAID COSTS, TO DATE | \$ 5,479 |

Case Name:

Bret Phillips v. County of Los Angeles, et al.

County of Los Angeles
Summary Corrective Action Plan



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

| | |
|--|--|
| Date of incident/event: | March 30, 2009 |
| Briefly provide a description of the incident/event: | <p>The Plaintiff was involved in a use of force incident at Men's Central Jail. It was alleged the Plaintiff refused to go back to his cell and instead turned and attempted to assault a deputy. Deputies responded with force.</p> <p>A jail chaplain witnessed the incident.</p> <p>The ACLU filed a declaration in the United States District Court declaring the chaplain witnessed an assault by deputy sheriffs.</p> <p>This information came to the attention of the FBI who had begun their own civil rights abuses investigations in the Department's Central Jails.</p> <p>Two Deputies were terminated and the FBI indicted the same two deputies who were involved in this incident for falsifying their reports. They were sentenced to Federal Prison</p> |

1. Briefly describe the root cause(s) of the claim/lawsuit:

The primary **Department** root cause in this incident was the involved deputies' falsified reports.

A secondary **Department** root was the Department's inadequate "Use Of Force" investigation.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

1. Initiation of Investigation by FBI into abuse in the Department's Jails
2. Creation of the Custody Force Response Team (CFRT)
3. Installation of Cameras at MCJ
4. Revision of the Use Of Force Policy

Completed

Responsible person: Assistant Sheriff Kelly Harrington

Case Name:

Bret Phillips v. County of Los Angeles, et al.

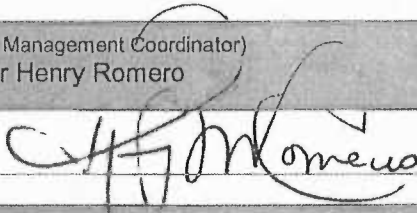
County of Los Angeles

Summary Corrective Action Plan

3.

Name: (Risk Management Coordinator)
Commander Henry Romero

Signature:

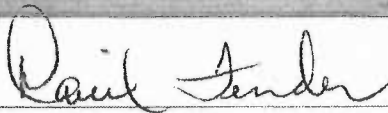


Date:

8/31/16

Name: (Department Head)
Chief David Fender

Signature:



Date:

8/31/16

Chief Executive Office Risk Management Inspector General USE ONLY

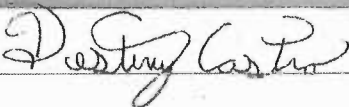
Are the corrective actions applicable to other departments within the County?

Yes, the corrective actions potentially have County-wide applicability.

No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)
CEO Destiny Castro

Signature:



Date:

9/1/2016